IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18245 of 2004

Between:

Ch. Suryanarayana Murthy, E-352448, S/o; Peda Appa Rao,
Working at Kakinada Depot, R/o. Kakinada, East Godavari District.

.... PETITIONER

AND

1 The A.P.S.R.T.C. Rep by its Managing Director,

Musheerabad, Hyderabad.
2 The Regional Manager, A.P.S.R.T.C., E.G. Region,

At Rajahmundry, E.G. District.
3 The Depot Manager, APSRTC, Kakinada, East Godavari District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in not granting the selection grade scale Stagnation increment to the petitioner on completion of 12 years service as illegal, unjust and arbitrary, contrary to well established principles of law and as such set aside the same by directing the respondent herein to add the stagnation increment to the petitioners on completion of 12 years of service irrespective of his transfer from the date of initial appointment and to pay the arrears by refixing the pay of the petitioner forthwith

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: Ms.P.G.Uma Devi (SC for APSRTC)

The Court at the admission stage made the following :

ORDER:

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The petitioner is working as Conductor in the respondent-Corporation. He is contending that he has completed 12 years of service in the respondent-Corporation in the same post, therefore, he is entitled for stagnation increments according to the circular instructions of the respondent-Corporation vide Circular No. PD 113/89 dated 03-06-1989. A similar question came up for consideration before this Court in Writ Appeal No.1301/2001 preferred against the Writ Petition No. 5726 of 2000, wherein a Division Bench of this Court held that the employees who have completed 12 years of service are entitled for stagnation increments, irrespective of their transfers from one region to another region and accordingly directed the Corporation to consider the cases of those petitioners for granting of stagnation increments.

In the light of the circumstances explained by the petitioner, and in the light of the judgment of a Division Bench in Writ Appeal No.1301 of 2001, dated 29-10-2002, the respondents are directed to consider the representation of the petitioner regarding the release of stagnation increments after examining whether he completed 12 years of continuous service in the same cadre irrespective of their transfer from one region to another region and pass appropriate

orders according to the existing rules.

The Writ Petition is accordingly disposed of.

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Dr. G. Yethirajululu, J.

Dt:7th October, 2004.

Rns.

To:

1. The Managing Director, A.P.S.R.T.C.,

Musheerabad, Hyderabad.

2. The Regional Manager, A.P.S.R.T.C., East Godavari Region,

Rajahmundry, Eeast Godavari.District.

3. The Depot Manager, A.P.S.R.T.C.,

Kakinada, East Godavari District.

4. Two. C.D.Copies.